

**REMARKS**

Entry of this Amendment, and consideration and allowance of claims 8-26, presented by this Amendment, is respectfully requested.

The present Amendment is being submitted to add new claims 19-26 to the previously submitted claims 8-18. New independent claims 19 and 21 substantially correspond to previously submitted independent claims 8 and 10 except for defining the invention from a different perspective. As such, claims 19 and 21 first define "a vacuum container for processing a sample" and subsequently define the vacuum processing chamber as being defined between the upper and lower electrodes, rather than defining "a vacuum processing chamber for processing a sample" from the outset (as was done in independent claims 8 and 10). New independent claims 19 and 21 also define the elements which are comprised of silicon (for example, the electrode covering the discharge confining means in the case of claim 19 and the electrode cover, the susceptible cover and the discharge confining means in the case of claim 21) in the last paragraph, as opposed to within the individual paragraphs regarding these elements as is the case in claims 8 and 10.

In any event, notwithstanding the minor differences between the newly submitted independent claims 19 and 21 and the previously submitted claims 8 and 10, the new claims 19-25 define the same clear distinctions over the cited prior art including the newly cited prior art submitted in an Information Disclosure Statement herewith. In particular, these independent claims 8, 10, 19 and 21 and their respective dependent claims, all define a discharge confining means that surrounds the vacuum processing chamber, together with the fact that this discharge confining means and the electrode cover (as well as the susceptible cover in the case of claims

10 and 21) are all comprised of silicon. As discussed at length in the remarks of the March 18, 2005 Third Supplemental Preliminary Amendment, these features clearly define over the cited prior art of record, including USP 6,074,518 to Imafuku and USP 5,272,417 to Ohmi. In addition, it is noted that these features are also not found in any of the cited documents to JP H-03-291928A, JP H-06-021010A or USP 5,210,055 listed on the Information Disclosure Statement being filed on even date herewith. As such, none of the cited prior art of record obtains the advantage of decreasing plasma density to provide a uniform reaction inside the processing chamber (by virtue of the discharge confining ring such as the element 37 shown in Fig. 1 of the application and discussed on page 29) or the improved selectivity and removal of fluorine based upon forming both the electrode cover and the discharge confining means of silicon.

For the reasons set forth above, as well as the reasons set forth in the remarks of the Third Supplemental Preliminary Amendment filed on March 18, 2005, entry of the present amendment and allowance of claims 8-25 is respectfully requested.

In addition, by the present Amendment, a new method claim 26 is submitted for consideration. Although claim 26 is a method, it is noted that the method is closely related to the apparatus claims since the method comprises the steps of providing electrode cover comprised of silicon on the bottom surface of the upper electrode, providing a susceptive cover comprised of silicon around the sample mounting surface of the lower electrode and providing a discharge confining means comprised of silicon surrounding the vacuum processing chamber. In other words, method claim 26 emphasizes the same advantageous features of providing a

discharge confining means surrounding the vacuum processing chamber and forming the electrode cover, the susceptible cover and the discharge confining means to be comprised of silicon. Thus, it is respectfully submitted that method claim 26 is so closely related to the apparatus claims 8-25 that common examination is warranted. In addition, it is respectfully submitted by virtue of defining the features of the discharge confining means and the formation of the electrode cover, the susceptible cover and the discharge confining means to be comprised of silicon, method claim 26 contains the same distinctions over the cited prior art discussed above for the apparatus claims 8-25. Therefore, entry, consideration and allowance of newly presented method claim 26 is also respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 520.35237CV4), and please credit any excess fees to such Deposit Account.

Respectfully submitted,  
**ANTONELLI, TERRY, STOUT & KRAUS, LLP**

By 

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